



AICC Issues Update

TMA Concurrence Rights Under Challenge

Frequency coordinator Enterprise Wireless Association (EWA) has filed a Petition for Rulemaking asking the FCC to eliminate the rights of certain other frequency coordinators to concur or object to proposed operations that may affect the frequency bands those coordinators have been tasked by the FCC with overseeing. For example, TMA is the FCC-designated coordinator overseeing licensing of the Central Station alarm frequencies utilized by e.g., AES systems, installers and guard services. In 2018 the FCC changed its rules to allow non-alarm companies to apply for central station channels, but only after obtaining TMA's evaluation and concurrence for the proposed use. This has allowed TMA to help minimize negative impacts on alarm operations.

EWA has proposed elimination of concurrence rights because most concurrence requests are granted, as many if not most land mobile operations are now very similar, and EWA does not believe special protection of certain spectrum uses is justified. On May 6, TMA filed Comments on the Petition, noting that alarm radio systems operate very differently from most land mobile systems; and that the revised rules governing central station channel use have created several new requirements that are not familiar to most coordinators; and TMA has had to use its unique expertise to work with coordinators to make sure these new requirements are met, and that other quirks of central station coordinations are resolved by consent letters and other measures. Therefore, TMA opposes the Petition unless an exception for central station frequency coordinations is adopted.

FCC Proposes to Strengthen Oversight of Equipment Certification Bodies

In recent years, the FCC has delegated the process of testing and certifying equipment that emits RF signals, by designating certain testing and certification bodies (TCBs) to authorize new or modified equipment proposals. On May 1, the FCC issued a

[Notice of Proposed Rulemaking](#) proposing to strengthen requirements and oversight relating to telecommunications certification bodies and measurement facilities, to help ensure the integrity of these entities, to better protect national security, and to advance the Commission's comprehensive strategy to build a more secure and resilient communications supply chain. (ET Docket No. 24-136) The proposed rule changes stem at least in part to recent concerns that telecommunications equipment from countries at odds with the U.S. may pose a security threat by possibly allowing capture of information about American companies and citizens, and by creating a theoretical possibility for key telecom infrastructure in the U.S. to be manipulated. The FCC has worked with other government agencies under the procedures established by the Secure Networks Act to place certain foreign-made equipment on the "Covered List" of potential security threats.

The FCC's rulemaking would:

- Propose to prohibit from participation in the equipment authorization program, any TCB or test lab in which an entity identified on the Commission's Covered List has direct or indirect ownership or control of 10% or more.
- Consistent with this proposal, direct the Office of Engineering and Technology to suspend FCC recognition of any TCB or test lab directly or indirectly owned or controlled by entities identified on the Covered List.
- Seek comment on the extent to which the Commission should impose eligibility restrictions for TCBs and test labs based on lists developed by Executive Branch agencies that reflect expert determinations about entities that pose national security risks.
- Propose, as part of the Commission's effort to strengthen oversight of the equipment authorization program, to adopt new information collections to require that TCBs and test labs report any entity that holds a 5% or greater direct or indirect equity and/or voting interest in them.
- Seek comment on other revisions to promote the integrity of TCBs and test labs.

Alarm equipment manufacturers that utilize FCC-designated certification bodies will want to monitor the FCC's rulemaking, to determine whether proposed changes will affect how alarm equipment is designed, tested and certified.

Wireless Carriers Fined Nearly \$200M for Sharing Customer Location Data

The FCC recently released forfeiture orders fining the nation's largest wireless carriers nearly \$200 million "for illegally sharing access to customers' location

information without consent and without taking reasonable measures to protect that information against unauthorized disclosure.” Sprint and T-Mobile – which have merged since the FCC’s investigation began – face fines of more than \$12 million and \$80 million, respectively. AT&T faces a fine of more than \$57 million, and Verizon a fine of almost \$47 million.

The alarm industry will want to determine if any of the practices that lead to violation findings against the wireless carriers impact the services of alarm companies using those services. Moreover, the magnitude of these fines reflect the seriousness of enforcement actions designed to protect the privacy of consumers, which may bleed over to enforcement of existing privacy requirements that may apply to alarm companies, as well as those that may be implemented if Congress passes the American Privacy Rights Act of 2024 (APRA) or similar legislation.

FCC Proposes Making Unsold or Defaulted Auction Spectrum Available Without Further Auction

The FCC has proposed setting up a way to make available so-called “Inventory Spectrum” (i.e., licenses either not sold during an auction or returned due to a default by the winner). In recognition of the lapse of FCC spectrum auction authority (due mostly to political infighting in Congress), the Commission wishes to formulate a way for potential applicants to gain use of this spectrum outside of the auction process.

The alarm industry should evaluate whether some of the spectrum that may be made available would be useful for current or future alarm operations, especially applications requiring broadband capacity. This is especially true since this opportunity to get “free” spectrum (if the FCC votes to implement its proposal) will likely prove fleeting. There are already bills floating around Capitol Hill seeking to reinstate FCC auction authority. However, even after auction authority is reinstated, the FCC may use a non-auction approach to award licenses for spectrum unlikely to justify another costly auction proceeding.

Licensee Fined \$100K for Expired License and Unauthorized License Transfers

On April 15, the FCC announced that it has entered into a *Consent Decree* with Mobile Communications America, Inc. (MCA) regarding an investigation into the company’s alleged operation under an expired radio license, and failure to obtain approval prior to transfer of radio licenses. As part of the settlement, MCA agreed to pay a civil penalty of \$100,000.

On February 28, 2021, one of MCA's subsidiaries, Mobile Communications of Hall, LLC (MCH), was dissolved, resulting in the "pro forma" assignment of two business radio licenses from MCH to MCA. On November 18, 2022, MCA consummated the acquisition of two other companies that resulted in the transfer of six total business radio licenses. MCA failed to notify the Commission of the 2021 pro forma assignment within 30 days and failed to obtain prior authorization for the 2022 transfer of control of six business radio licenses. Additionally, on January 3, 2023, a private business radio license owned by MCA expired. Nevertheless, MCA continued its operations under the expired license.

In another recent action, the FCC has proposed a \$48,000 fine against a licensee for failing to obtain the Commission's approval prior to the acquisition of the assets of other licensees in bankruptcy.

These enforcement actions are significant because alarm companies using private radio systems (for e.g., wireless alarm systems or communications with guards and field personnel) may not even realize at the top levels of management that they have FCC licenses. Sloppiness with FCC license requirements proved costly in the above cases. Counsel for AICC provides retainer services that track and renew FCC licenses, and remind clients of FCC requirements concerning license transfers and other FCC restrictions.

California Privacy Protection Agency Issues First Enforcement Advisory

On April 2, the Enforcement Division of the California Privacy Protection Agency (CPPA) issued its first enforcement advisory, discussing the application of the data minimization principles in the California Consumer Privacy Act (CCPA). While the CCPA only applies to providers that do business in California, the regulation has been held up as a model for privacy requirements and has been mirrored by other states.

The data minimization principle in the CCPA provides that any collection, use, retention, and/or sharing of consumers' personal information must be reasonably necessary and proportionate to achieve the purpose for which it was collected, used, retained, or shared. This includes requests made by consumers under the CCPA. For example, a business covered by the CCPA must not require more information than necessary to process a request by a consumer to opt-out of the sale or sharing of their data – a request that is authorized under the CCPA.

In determining the minimum information required, the CCPA posits that businesses could begin by asking themselves:

- What is the minimum amount of personal information necessary for our business to honor a request to opt-out of sale/sharing?
- We already have certain personal information from this consumer. Do we need to ask for more personal information than we already have?
- What are the possible negative impacts if we collect additional personal information?
- Could we put in place additional safeguards to address the possible negative impacts?

The U.S. does not yet have a nation-wide, uniform privacy law. As such, several states have stepped in to address the void. Moreover, the draft American Privacy Rights Act of 2024 (APRA) proposes to exempt statutes like the CCPA from preemption, should national legislation be adopted. Accordingly, alarm companies doing business in California should ensure compliance with the CCPA as it applies to them; and the industry should determine what privacy requirements apply in other states where they operate.

T-Mobile and Verizon Reportedly Looking to Buy Portions of US Cellular

According to the Wall Street Journal, T-Mobile US and Verizon Communications are in separate discussions to carve up U.S. Cellular, one of the country's last remaining regional wireless carriers. The possible T-Mobile deal could be reached at any time, while the Verizon transaction is expected to take longer. Dividing the regional carrier into separate parts is designed to convince antitrust authorities in U.S. Department of Justice that the deals would not harm competition.

Blair Levin, a policy advisor for New Street Research, opined that regulators would likely approve of the transaction. "We think the analysis from a national geographic market perspective will demonstrate that US Cellular is not large enough to shift the current competitive dynamics, even if the government doesn't include DISH and Cable in the calculus. If it does ... it's much easier to approve," he added.

If members of the alarm industry currently utilize U.S. Cellular service for customer premise alarm radios, and/or installer and guard communications, they will want to ensure that these services are not adversely affected by any acquisition.